

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14037 of the Republic of Algeria, pursuant to Article 46 of the Zoning Regulations, for permission to expand a chancery located in the R-5-C District at 2118 Kalorama Road, N.W., (Square 2527, Lot 48) to the D/R-1-B District at the premises 2133-2137 Wyoming Avenue, N.W. (Square 2527, Lot 305). Connection between the two premises will be by way of easement across the rear of 2120 Kalorama Road, N.W., (Square 2527, Lot 49).

HEARING DATE:       October 12, 1983  
DECISION DATE:      October 26, 1983

INTRODUCTION

The subject application was filed by the Government of Algeria to establish a chancery use at 2133-37 Wyoming Avenue, N.W., adjacent to its existing chancery located at 2118 Kalorama Road, N.W. The application was considered by the Board in accordance with the requirements of Article 46 of the Zoning Regulations. Article 46 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982). The public hearing was conducted as a rulemaking proceeding under Chapter 6 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The Chancery of the Republic of Algeria is located at 2118 Kalorama Rd., N.W., and has been at this location for approximately twenty years, pursuant to BZA Appeal No. 8610. The Government of Algeria wishes to establish a chancery use on the adjacent property to the rear of the existing chancery. The subject site fronts on Wyoming Avenue, N.W. and contains 18,845 square feet of land area. It is improved with three buildings originally constructed for residential purposes. Access between the sites is achieved by virtue of a recorded pedestrian easement across a portion of the rear of 2120 Kalorama Road, N.W.

Approval of this application will permit the Government of Algeria to consolidate its chancery operations in one location. The Algerian Government is currently renting space at 2000 Florida Avenue, N.W. The use of the subject site for chancery purposes, in conjunction with the existing

chancery, will promote a more efficient operation, will preclude the need for extensive travel between the two existing chancery sites, and will insure a more secure operation.

#### CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 4602 of the Zoning Regulations, which are as follows:

1. Paragraph 4602.11 The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
2. Paragraph 4602.12 Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this Section; and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
3. Paragraph 4602.13 The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services.
4. Paragraph 4602.14 The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services.
5. Paragraph 4602.15 The municipal interest, as determined by the Mayor.
6. Paragraph 4602.16 The Federal interest, as determined by the Secretary of State.

#### EVALUATION

With respect to the six criteria identified in the Regulations, the Board states the following:

1. The international obligation of the United States:  
By letter dated October 4, 1983, the Director of

the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital will be met by the approval of this application. According to the Office of Foreign Missions and testimony presented by the applicant, the chancery office operated by the applicant at 2000 Florida Avenue, N.W., presents severe operational, transportation and security problems for the applicant. The Department of State has advised the applicant that it is difficult to maintain security for that office building. The proposed chancery addition will be adequate to meet existing staff needs as well as projected future staff needs. The applicant projects that a future maximum of approximately thirty staff persons will occupy the three buildings on Wyoming Avenue.

The October 4, 1983, letter from the Office of Foreign Missions, recommending approval of the requested use, was conditioned upon the mutual agreement between the Governments of the United States and Algeria concerning U.S. property interests in Algeria. By letter dated October 12, 1983, the Office of Foreign Missions advised that such agreement had been reached, and that the approval of the proposed use by the State Department was therefore unconditional.

2. Historic preservation: The subject site is neither an historic landmark nor located in an historic district. The buildings on the subject site, however, are compatible with the height, design, bulk and use of the other structures in the neighborhood.
3. Parking and transportation: Applying the guideline of one parking space per 800 square feet of gross floor area devoted to chancery use, only thirteen spaces need be provided for the proposed new chancery use. However, the new site will provide off-street parking for twenty one cars, as shown on Exhibit J of the Applicant's Statement. The three buildings will be occupied by twenty to twenty-five staff persons, with an expected future maximum of approximately thirty staff persons. The Wyoming Avenue site will normally be occupied by approximately thirteen to fifteen cars per day, subject to a maximum of twenty cars on special occasions, with attendant parking. The existing

chancery on Kalorama Road provides twelve spaces for twenty employees with attendant parking. Therefore, a total of thirty-three parking spaces will be provided for the anticipated fifty occupants of the combined chancery sites. This will be adequate for the chancery's present and future needs. Pursuant to the request of the neighbors, the Government of Algeria will not seek diplomatic parking privileges on Wyoming Avenue. In addition, there are seven bus routes which pass along Connecticut Avenue, only 300 feet away. The applicant's expert traffic consultant concluded in his written report that, based upon site studies, and applying sound transportation principles, the proposed parking arrangement will have no perceptible effect upon traffic operating conditions, and the proposed chancery use at the subject site will be appropriate from a traffic engineering viewpoint.

4. Protection: The Office of Foreign Missions has determined that the area is capable of being adequately protected. The location is such that it facilitates security, particularly when compared to the less desirable existing situation where a chancery office is located in a commercial office building.
5. Municipal interest: The Director of Planning, the delegated representative of the Mayor, by memorandum dated October 4, 1983, reported that approval of the application will not be contrary to the municipal interest. The Office of Planning reported that within one block of the subject site are eleven other offices of foreign governments. The proposed new chancery site is located in the Diplomatic overlay zone, and is consistent with both the existing and the proposed new Foreign Missions Elements of the Comprehensive Plan, as well as with the criteria set forth in Section 206(b) of the Foreign Missions Act. The Office of Planning also reported that the proposed on-site parking plan for twenty-one vehicles will negate any objectionable traffic conditions in the neighborhood, and that the site is convenient to public transportation. The Office of Planning stated its opinion that the subject application had been tailored to fit into the neighborhood fabric with as little disruption to the status quo as possible. The Office of Planning concluded that approval would not be contrary to the municipal interest.

The Sheridan Kalorama Neighborhood Council, stated for the record that it did not oppose the application, subject to the inclusion of conditions negotiated by the applicant and the Council which are set forth in a document submitted for the record by the Council. A copy of that document is attached to this Order.

One neighbor directly across the street from the proposed new chancery site supported the application. Also, letters and a petition in support were filed in the record. Several neighbors spoke in opposition to the application on the grounds that the expansion will exacerbate an already existing parking problem in the immediate neighborhood and that a chancery is an office building that would alter the residential character of the neighborhood. The applicant will provide almost twice as many on-site parking spaces as the Zoning Regulations recommend, and the applicant's expert traffic consultant concluded that this would be sufficient to meet the demands of the chancery. Further, the applicant will not seek diplomatic parking privileges on Wyoming Avenue, so that there will be no loss of on-street parking for the neighborhood. As conditioned below, the subject expansion will not have an adverse effect on a residential neighborhood and will be consistent with the municipal interest.

6. Federal interest: The Office of Foreign Missions has determined that approval of the application would be in the best interest of the United States and consistent with bilateral and reciprocal interests of the United States and Algeria. The Algerian government has accommodated the needs of the United States for diplomatic facilities in its territory, and the Office of Foreign Missions has determined that it is therefore not only proper, but incumbent upon the United States to provide similar accommodation. The Office of Foreign Missions concluded that the ability of the United States to provide similar reciprocal treatment to the government of Algeria is important to the federal interest as it promotes the foreign relations of the United States.

#### ANC REPORT

Advisory Neighborhood Commission 1D, by letter dated October 3, 1983, from Elaine Dym, Chairperson, advised the BZA that at its September 29, 1983, meeting, the ANC voted unanimously to support the application. The ANC noted that

its concerns regarding parking were addressed by the applicant. The ANC also noted that the applicant has proposed to limit its typical hours of operation to normal business hours, and that it will not seek diplomatic parking privileges on Wyoming Avenue, nor use large antennas on the site. The applicant assured the ANC that it will do everything possible to retain the residential external appearance of the three buildings.

DECISION

On the basis of the record before it and the criteria of Section 4602 of the Zoning Regulations, the Board determines that the standards of Section 4602 of the Zoning Regulations have been met by this application. Accordingly, it is therefore hereby ORDERED that this application is APPROVED SUBJECT to the following CONDITIONS:

- a. A maximum of fifteen on-site parking spaces shall be provided on a day-to-day basis.
- b. Valet on-site parking for a maximum of twenty-one vehicles shall be provided during special functions on the premises.

VOTE: 3-0 (John G. Parsons, Carrie L. Thornhill, and Reginald Griffith to approve, Douglas J. Patton abstaining, Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: NOV 11 1983

IN ACCORDANCE WITH SECTIONS 609.4 and 609.5 OF THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE, THIS ORDER SHALL BECOME FINAL UPON PUBLICATION OF THE NOTICE OF FINAL RULEMAKING IN THE D.C. REGISTER.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14037order/DON

BEFORE THE  
BOARD OF ZONING ADJUSTMENT  
OF THE  
DISTRICT OF COLUMBIA

Re: Application of the : BZA Application No. 14037  
Republic of Algeria :

STATEMENT ON BEHALF OF  
SHERIDAN KALORAMA NEIGHBORHOOD COUNCIL

The Sheridan Kalorama Neighborhood Council, by and through its attorneys, hereby states for the record that it has no objection to the proposed expansion of the Chancery of the Republic of Algeria at 2133-37 Wyoming Avenue, N.W., Lot 305, Square 2527, provided that the Board adopts the following conditions:

1. The Republic of Algeria will use its best efforts to retain and maintain the residential features and appearance of the premises in a manner consistent with the residential character of the neighborhood. This includes exterior landscaping and maintenance, interior lighting visible from Wyoming Avenue, N.W. exterior lighting, use of draperies and/or shades in the windows, maintenance of the driveways, and minimal use of signs. Any necessary antennas on the premises shall be kept as small as technically feasible.

2. The proposed number of occupants of the three buildings will be limited to approximately 30.

3. There will be adequate access for the Fire Department to the rear of the buildings on the premises, and security systems will be installed and maintained on the premises.

4. Delivery and pickup of food and equipment will be done during working hours and in a quiet and orderly manner. Trash will be stored in covered containers and put out only on the days designated for pickup. Newspapers will not be permitted to accumulate on the premises on weekends.

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B. L. O.  
14037  
EXHIBIT  
NO. 52

OCT 12 1983

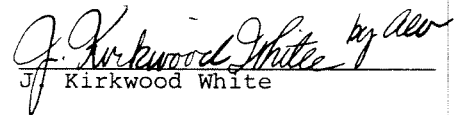
5. The premises will normally be occupied by 13 to <sup>15</sup>~~14~~ cars per day, and no more than 21 cars on special occasions, with attendant parking. The Republic of Algeria will not request diplomatic parking privileges on Wyoming Avenue, N.W.

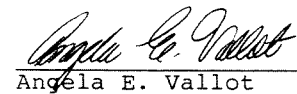
6. The Republic of Algeria does not intend to hold social functions at the premises on a regular basis.

7. The Republic of Algeria intends at this time to have a caretaker reside at the chancery who will look after the subject premises.

The Republic of Algeria, through counsel, has accepted and agreed to abide by the foregoing conditions.

LINOWES AND BLOCHER

  
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